

REMARKS

Favorable reconsideration of the pending claims is requested in view of the above amendments and following remarks. Applicants have amended claim 1 by incorporating claim 2. Therefore, claim 3 has been amended to depend from amended claim 1. Applicants have also amended claim 1 to correct antecedent basis and improve clarity. Claims 4, and 6-8 have been amended to correct capitalization. Claims 2 and 9-12 are cancelled. No new matter has been added.

Claims 1, and 4-8 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent 6,390,454 (Urbanski et al.). The Office Action states that Figs. 3 and 4 of Urbanski et al. clearly disclose an antipenetration pan having a central region (at 13 in Fig. 4) and two arms extending therefrom for spreading the liquid from the overlying downcomer across a wide area on the underlying tray.

Applicants respectfully traverse this rejection as it applies to amended claim 1. Claim 1 has been amended by adding new step d) to incorporate claim 2, which the Examiner has determined to contain allowable subject matter. In view of this amendment, Applicants assert that the rejections of claim 1 and claim 4, which depends from claim 1, are rendered moot. Applicants courteously request withdrawal of the rejections of claims 1 and 4 under 35 USC §102(e) as being anticipated by Urbanski et al. Applicants assert that the amendments to claims 1 and 3 put claim 3 in condition for allowance in accord with the Office Action and respectfully request withdrawal of the objection to claim 3.

The Office Action states with respect to claim 5 that, "discharge of the liquid from the central portion clearly occurs via passage of the liquid over the arms extending from the central portion." Applicants traverse this rejection of claim 5 under 35 USC §102(e) and respectfully assert that the Office Action incompletely characterizes claim 5. Applicants point to step c) of claim 5 and respectfully assert that there are two acts of discharging. The first being, "discharging liquid from the central portion of the antipenetration pans onto the decking area of the second tray". The second being, "and also discharging liquid onto the decking of the second tray from each of two arms which extend outward from the

central portion of the antipenetration pan in directions parallel to a downcomer of the second tray."

Thus, Applicants assert with respect to claim 5, that the central portion of the antipenetration pans also discharges liquid directly onto the decking area of the second tray. Applicants respectfully assert this is clearly not anticipated by Urbanski et al., which teaches at column 6, lines 56-61, "Liquid falling from the outlets 6 of the downcomer into the first end of the distributor 13 will flow horizontally to the two branches at the top of the T. The liquid will then flow outward along these two branches and will be discharged from the distributor onto the tray below beyond the end of the downcomer." The Urbanski et al. patent also teaches a process embodiment, the pertinent portion of which begins at column 7, line 65, "and collecting liquid being discharged from liquid outlet spouts located in the terminal portions of the downcomer in a liquid distribution device, directing the collected liquid beyond the terminal portion of the downcomer and then discharging the collected liquid from the liquid distribution device onto decking of the second downcomer." (Emphasis added.) Clearly, Urbanski et al. teaches only one discharge of liquid whereas Applicants claim 5 has two separate discharges in two elements. Thus, Urbanski et al. does not disclose one of the elements of claim 5; therefore, there can be no anticipation. Accordingly, Applicants respectfully request that the rejections of claims 5-8 under 35 USC §102(e) as being anticipated by Urbanski et al. be withdrawn.

The drawings stand objected to under 37 CFR §1.83(a) with respect to claims 11 and 12 as not showing every feature of the invention specified in the claims. Claim 11 also stands rejected under 35 USC §112, second paragraph as being indefinite. Applicants assert that the cancellation of claims 11 and 12 shown above renders this objection to the drawings and rejection of claim 11 under 35 USC §112, second paragraph moot and courteously request that they be withdrawn.

Claims 9-12 stand rejected under 35 USC §102(e) as being anticipated by WO 01/93973 (Figs. 1, 6, and 9-11). Applicants have cancelled claims 9-12, and respectfully assert this rejection is thus rendered moot. Therefore, Applicants courteously request that

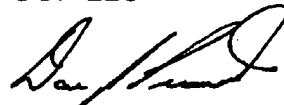
the rejection of claims 9-12 under 35 USC §102(e) as being anticipated by WO 01/93973 be withdrawn.

Applicants present new independent claim 16 to cover matter present in the original application. Applicants respectfully assert that claim 16 is distinct from the reference art in at least that the antipenetration pan comprises a perforated, planar, central portion and at least two substantially planar extensions, Applicants have also added new claims 17-23 which depend from claim 16.

Applicants acknowledge the Examiner's allowance of claims 13-15. Applicants courteously request entry of the amendments presented above and reconsideration and allowance of all claims 1, 3-8, and 13-23 pending in the subject application in view of the amendments and remarks presented herein.

This submission is intended to be a complete response to all grounds of rejection and objection raised in the Office Action. If any grounds for rejection remain after consideration of this response, the Examiner is invited to call the undersigned.

Respectfully submitted,
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